

JUL 22 1967

Congo

Approved For Release 2005/01/05 : CIA-RDP75-00149R000700580020-3

# TSHOMBE LOSES IN ALGIERS COURT

**Judge Backs Extradition—  
Mobutu Hints Ex-Premier  
Will Be Executed Swiftly**

Special to The New York Times

ALGERIA, July 21—The Algerian Supreme Court agreed today to extradite former Premier Moise Tshombe of the Congo to his homeland, where he has been sentenced to death.

The demand for the extradition of Mr. Tshombe had been made by the Congolese Government of President Joseph D. Mobutu.

The decision was read by Presiding Judge Ould Aoudia in the presence of Mr. Tshombe at a public session attended by about 100 spectators and newsmen.

Judge Aoudia said, "The Court gives a favorable opinion to the Congolese Government request for the extradition of Mr. Tshombe." "He is to be handed over to the legal Congolese authorities to be judged or given an amnesty," the judge added.

## Statement by Lawyer

Mr. Tshombe's defense lawyer, Abdessamad Benabdallah of Algeria, said later that the law in many countries stipulated that a man condemned in absentia be allowed a new trial when he became available.

[In Kinshasa, President Mobutu indicated that Mr. Tshombe would be executed without a new trial when he was returned to the Congo.]

Mr. Tshombe was condemned to death last March in the Congo, when he was living in exile in Spain, on charges of high treason.

He has been detained in Algeria since June 30, when his plane was hijacked in midair and forced to land at an Algerian airfield.

## Led Away by Guards

Mr. Tshombe was smiling when he turned to talk with Mr. Benabdallah. He was taken away by three security guards.

Bernardin Mungul Diaka, the Congolese Minister of State, who came here to present the extradition request, said at a news conference tonight that the extradition of Mr. Tshombe might take a month.

Mr. Diaka said that President Mobutu had told him in a long-distance telephone conversation that he might come to Algeria to express his gratitude to President Houari Boumediene.

Before reading the decision, the presiding judge asked Mr. Tshombe if he had anything to say.

Mr. Tshombe, apparently sensing that the court's decision would be favorable to the extradition request, said, "The Algiers court wants to send me over."

Mr. Aoudia interrupted, and told Mr. Tshombe that he should not jump to conclusions as the court had not yet read its decision.

Mr. Tshombe continued, "I am asked to respect the freedom of the court which knows that I am an adversary of the head of the Congolese Government."

Mr. Tshombe shouted, "I am the victim of my popularity and of foreign interventions, including the American C.I.A."

In his reading of the court's ruling, Mr. Aoudia rejected the arguments presented by Mr. Benabdallah at the closed session last Wednesday at which the extradition request was considered.

The argument that the case was of a political nature and that Algerian law prohibited extradition for political motives was rejected by the court, which ruled that the offenses attributed to Mr. Tshombe had no political character.

Mr. Tshombe is accused by the Congolese Government of being responsible for massacres of civilians, the hiring of mercenaries and the illegal proclamation of a secessionist state in Katanga Province in 1961.

## Secret Transfer Expected

ALGIERS, July 21 (AP)—Former Premier Tshombe's transfer from an Algerian military stockade to the Congo is expected to be secret to frustrate any attempt by white mercenaries or others to free him by force on his return.

The Algerian Supreme Court's extradition must be ratified by



Associated Press Wirephoto

**Moise Tshombe, former Premier of the Congo, leaving Algiers courtroom yesterday.**

the Algerian Government, but that is regarded as a formality.

## U.S. Denies Any Role

WASHINGTON, July 18 (UPI)—The State Department denied today that the United States had anything to do with Mr. Tshombe's fate.

Commenting on Mr. Tshombe's remark that he was the victim of the Central Intelligence Agency, Robert J. McCloskey, the State Department spokesman, said:

"There is no truth whatever to that statement."

## Tshombe's Wife Weeps

BRUSSELS, July 21 (Reuters)—Mrs. Ruth Tshombe wept tonight when asked to comment on the decision to extradite her husband to the Congo.

"I do not know what I am going to do, I really don't know," she said in a telephone interview.

**Execution to Be Carried Out  
Swiftly, Mobutu Indicates—  
No New Trial Is Foreseen**

By HENRY TANNER

Special to The New York Times

KINSHASA, the Congo, July 21 — President Joseph D. Mobutu today indicated that former Premier Moise Tshombe would be executed swiftly and without a new trial when he reached the Congo.

"As far as we are concerned, this man has been tried, he is a man who no longer exists," the President said in an interview shortly before the announcement of the Algerian Supreme Court's decision in favor of Mr. Tshombe's extradition.

The President said that he knew many Europeans were concerned about Mr. Tshombe's fate but that Congolese considered the former Premier responsible for the deaths of many innocent people and for calling white mercenaries into the country.

The verdict of the Congolese court that condemned Mr. Tshombe to death is valid even though the former Premier was tried in absentia, President Mobutu said. He added that no new trial was needed even though European legal procedures might call for one.

## Interviewed in His Office

General Mobutu, who is his country's ranking soldier in addition to being President, spoke in his office in a modern one-room house built in the style of an African village hut with a thatched roof. The office is a hundred yards from the presidential residence on a hill outside the capital.

A group of young Congolese were told about the decision of the Algerian court.

"That's his end," one of the young men said of Mr. Tshombe. Another answered "certainly" when asked whether he thought Mr. Tshombe would be executed. A third shook his head sadly.

Some foreign observers are apprehensive that there may be unrest in some areas, notably in Katanga, Mr. Tshombe's province. Mr. Tshombe has strong ties with the powerful Lunda tribe in southern Katanga. His wife is the daughter of a Lunda chief.

But there was fear of trouble in the spring of 1961, when it was announced that Patrice Lumumba, the Congo's first Premier, had been killed. The fear was unjustified.

President Mobutu, who was wearing a blue sports shirt, seemed full of health and confidence.

It pained him deeply, the President said, that European newspapers had misrepresented his Government's reaction to the mercenary uprising. The Government has always respected the difference between the white mercenaries, who are criminals, and the rest of the white residents in the Congo, he added.